

Federal Defenders
OF NEW YORK, INC.

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

December 31, 2016

By ECF/Email

Honorable Edgardo Ramos
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. El Gammal
15 Cr. 588 (ER)

Hon. Judge Ramos,

The defense has been reviewing iterations of what were to be final translations for months. However, it is apparent that our time and resources have been wasted. The government's new Arabic translator has made significant changes to virtually all of the government's Arabic language exhibits. Attached and submitted as Exhibit A is an approximately 500-page spreadsheet demonstrating the differences between the government's old and new Arabic language exhibits.

A small number of these revisions are grammatical or typographic but a significant number are substantive in nature. Worse yet, many of the substantive changes are easily missed at first glance. For example, on page 2 of Exhibit A the new translator inserted the phrase **"Thank you [for what you did]"** in lieu of **"Jazakallah Khair you too"**. This translation is of a Whatsapp communication from Samy Elgoarany to Ahmed El Gammal on July 16, 2015. On page 384 the new translator appears to have changed the phrase **"I do not mean bombing"** to **"No, I mean bombing."**

Compounding the problem, yesterday we received notice - for the first time - that the government has possessed summary translations of Attia Aboulala's Facebook records since before Mr. Gammal's arrest. We have never received these

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summaries, and have only received a verbatim translation of a small subset of Aboulala's Facebook communications. We have invested time and money in our own translations of Aboulala's Facebook communications, but our review is not nearly as comprehensive. Had the government disclosed their summaries, we would have focused our efforts and better prepared for trial. We cannot imagine why the government, having disclosed the Aboulala Facebook communications in Arabic, would withhold the summary translations from the defense.

Given that this case turns on words, we are left to individually examine each of the new translator's changes. With fewer than ten days left before trial, and our own interpreter unavailable until after the holiday, we are highly prejudiced. There is simply not enough time to perform this task and adequately prepare for trial. We cannot prepare our opening statements, cross examinations and defense case without a full appreciation for the Arabic communications.

At this point, we seek preclusion of any Arabic communications for which no translations have been provided to date. Additionally, we seek preclusion of the government's new Arabic expert because of the untimely disclosure. To reduce the prejudice to our client, we would stipulate to the admissibility of the original translations in light of the government's difficulty in calling the original translator as a witness.

Respectfully submitted,

/s/

Habib/Shroff/Miron
Assistant Federal Defenders

cc: Govt counsel (via email)
Mr. Ahmed M. El Gammal, (via mail)